

## **Your Unemployment Benefit Rights and Responsibilities**

**Please read the below information carefully.**

The Virginia Employment Commission (VEC) administers the unemployment insurance program that provides temporary financial assistance to individuals who become unemployed through no fault of their own. Benefits are paid through taxes on employers covered under the Virginia Unemployment Compensation Act. No part of the cost of your unemployment benefits is deducted from your earnings. **To receive benefits you must meet each of the following requirements:**

**Monetary qualification;  
Separation qualification;  
Weekly qualification.**

**This document explains these requirements and will assist you in filing for benefits.**

Read it carefully and retain it for your records. Note: if you reside in another state and filed your claim against Virginia, you are subject to Virginia's unemployment laws, rules, regulations, and the requirements contained in this document.

**Monetary qualification** – In a separate mailing you will receive your monetary determination. Review it carefully. Based on the wages earned during the regular base period, this determination will indicate the benefit amount you qualify for each week and for the number of weeks you may receive benefits. The **regular base period** consists of the first four of the last five completed calendar quarters prior to the effective date of your claim. If you feel the wages shown on the determination are incorrect, you must report to the nearest VEC field office with proof of correct wages. If you live outside Virginia, contact the VEC office where you filed your claim or call 1-866-832-2363. If you do not have enough wages to qualify for benefits during the regular base period, you may monetarily qualify under the **alternate base period** that includes wages from the last four completed calendar quarters at the time your claim is filed.

The base period is set by law and will not change during the life of your unemployment claim. **Your base period earnings determine the number of weeks ranging from 12 to 26 that you may receive benefits.** If you qualify monetarily, your claim remains in effect for one year. This period is called a **benefit year**.

**Separation qualification** – Even though you may have enough earnings to qualify, there are circumstances that may prevent you from receiving unemployment benefits. If you are separated for any reason other than lack of work, it will be necessary to gather facts from you and your employer concerning your separation. Your employer will be sent a questionnaire requesting information concerning your employment and separation. You will be called by a VEC deputy (also called hearing officer) and be given an opportunity to present your information and review that of your employer. The deputy will make a determination regarding your qualification based on the separation information presented. You will be disqualified if the deputy determines that you quit your job without good cause, or were fired from your job for misconduct in connection with your work. You and your employer have the right to appeal the deputy's determination if either of you disagrees with the results.

**Weekly Qualification – To receive a check for benefits, you must file a weekly claim for each week you wish to claim benefits.** You must meet the weekly eligibility requirements listed below.

Your **benefit week** begins on Sunday and ends at midnight on Saturday. You cannot claim the week until it is completely over. The first week you meet the weekly eligibility requirements will be your **waiting period** week. You will not receive a benefit check for the waiting period week. **Note: If your eligibility for benefits must be determined by a deputy, it is very important that you call to file your weekly claims as soon as possible and not wait for the deputy's decision. If you file an appeal, you must continue to meet the weekly eligibility requirements (explained below) and file your weekly claims within 28 days (explained below).**

### **Weekly Eligibility Requirements**

1. To avoid denial of benefits, **you must file your first weekly claim within 28 days** of the date you reported to file your initial/new claim. For example, if you filed your claim on January 2, your first weekly claim must be filed by January 30. Subsequent weekly claims for benefits must be filed within 28 days of the Saturday date of the week claimed. For example, if your last week claimed ended on Saturday, August 2, then your subsequent weekly claim must be filed no later than September 1<sup>st</sup>. **The Voice Response System and the Internet will not allow you to claim benefits for weeks that are more than 28 days old.**
2. Most claimants are required to make an **active search for work**. If directed to make an active search for work, **you must register with your local job services through the VEC or a workforce services agency where you live** if you live outside Virginia. If the VEC has directed you to look for work, you must contact more than one employer each week in your effort to find work. **Note: Responses to blind ads or telephone calls to employers are not acceptable as job contacts.** You must maintain complete and accurate records of your work search contacts. **You must provide the VEC, when requested, the following information that is subject to verification:**

Month, day, year of contact;  
Complete name of employer contacted;  
Complete address (street, P.O. box number, city, state, zip code) of employer contacted;  
First and last name of the individual for the employer/company with whom you talked;  
Telephone number of the employer/company contacted;  
Type of work or position for which you applied;  
Result of contact.

You must be willing to **accept suitable work** if offered and **apply for suitable work** when referred to a job by the VEC or your workforce services agency if you live outside Virginia.

The term **suitable work** takes into account many factors such as previous work experience, physical and mental fitness, risk to your health, safety, or morals, and the distance from your home. Conditions of the work offered, such as wages and hours, are also considered. If you refuse a job or a VEC/Workforce Services Agency referral to a job, the deputy will review the suitability of the work and your reason(s) for refusing it before issuing a determination on your continuing eligibility.

You must **report all wages earned for any work, including self-employment, for the week they are earned (not paid)**. If you work and your **gross, not net, income** for the week is less than your weekly benefit amount, that gross amount less \$50 will be deducted from your weekly benefit amount. If your gross earnings equal or exceed your weekly benefit amount, you will not receive benefits for that week. **If the wages are earned in self-employment, report the net amount.**

You must report the receipt of **holiday, vacation, and severance pay**. **Holiday or vacation pay** must be reported for the week in which it applies and will be deducted like wages from your weekly benefit amount. The deputy will issue a determination based on information provided by you and your employer concerning the effect of **severance pay** on your weekly benefit amount.

If you receive a **pension, retirement, or other annuity**, it will be deducted from your weekly benefit amount if it is paid by your most recent employer of 30 days or 240 hours or more, or from any employer in the base period of your claim (as shown on your monetary determination). These payments will be deducted dollar-for-dollar from your weekly benefit amount. If your weekly **pension, retirement or annuity** equals or exceeds your weekly benefit amount, you will be ineligible for unemployment benefits for that week. Note: Only 50% of the weekly amount of a Social Security pension will be deducted from your weekly unemployment benefits.

You may receive benefits if enrolled in **training or school** depending upon the course of study and the required attendance each week. If you desire to attend training or school to improve your employment possibilities, you must request approval in advance through the VEC. The VEC will determine if your training is approved and advise you about work search requirements while you are in school or training. **Training approval may be requested by contacting the VEC office where your claim was filed or calling 1-866-832-2363.**

If you are advised to **call or report to the VEC**, you must report as directed. **Respond to all VEC letters**, including those advising you of potential job openings, within the period indicated in the letter. If there is a question about your claim, you will be asked to call or report to a VEC field office. **Failure to report or call as directed may result in the denial of benefits.**

**PIN Number** – After you file your claim, you will receive a six digit Personal Identification Number (PIN) through the mail. This number is important and should be carefully guarded. **The PIN and your Social Security number will be required every time you claim weekly benefits or to inquire about the status of your claim.** If you lose your PIN, contact the VEC immediately to request a copy of your PIN, and it will be mailed to you.

**Address change** – If you change your address or telephone #, or the address or telephone # shown on VEC documents is incorrect, you may correct this information by the Internet or telephone using your Social Security number and PIN. If an appeal is pending, report the change even if you are no longer receiving benefits. If changing your address by letter, you must include your Social Security number. **Benefit checks cannot be forwarded by the Post Office. They are returned to the VEC for address correction.**

**First check** - Your first check, if you are qualified, will be mailed to you after you have **served your waiting week and are eligible to receive benefits for the second week claimed.** All Virginia claimants must serve a one-week waiting period. **Benefits are not paid for a waiting week.**

**Correspondence** – Always include your Social Security number in your correspondence with the VEC.

**Receipt of benefits to which you are not entitled** – If you receive benefits to which you are not entitled, you will be required by law to repay them along with any costs, fees, and interest associated with collection. This includes amounts paid while an appeal by your former employer is pending prior to a decision being rendered against you, and amounts paid because you did not notify us of information which would have reduced or eliminated your benefit entitlement. You are also required to repay any benefits paid to you in error.

**False statements to obtain benefits** – Always provide complete information and answer all questions truthfully. Do not make false statements to obtain benefits. If you knowingly make a false statement or misrepresentation, or have knowingly failed to disclose a material fact, to obtain or increase benefits, **you may be subject to a fine and/or imprisonment** and be prevented from receiving future benefits for 52 weeks (or longer if the overpayment is not repaid in full).

**Cancellation of benefits request** – If you wish to cancel your claim and not file for benefits, your cancellation request **must be made within 30 days after your claim is filed.** The final date for the cancellation request is the same as the final date for appeal shown on your monetary determination.

### **Filing Your Weekly Claim for Benefits**

You may file your continued weekly claim over the **Internet** at [www.VaEmploy.Com](http://www.VaEmploy.Com) (or [www.vec.virginia.gov](http://www.vec.virginia.gov)) or through the automated **Voice Response System (VRS)**.

The VRS can also be used to obtain specific information about your benefit account, such as the date your benefit check was mailed. It can also be used to obtain information about an appeal to which you are a party. Information about VEC office and phone numbers, as well as general information about unemployment insurance claims, is also available through the Internet and VRS.

**TTY users please note:** To file continued weekly claims by phone, TTY users should call Virginia Relay at 711 and instruct the operator to dial 1-866-835-6058. Out-of-state TTY users may use the same procedure.

You must use a touchtone (not cellular) phone to utilize the voice response system (VRS). The VRS is available:

Sun. (9am-Midnight)  
Mon. (4:30am-7:30pm)  
Tues. (7:30am-7:30pm)  
Wed. (7:30am-5:30pm)  
Thurs. (7:30am-7:30pm)  
Fri. (7:30am-5:30pm)  
Sat. & Holidays (9:30am-4:30pm)

**Before calling to file your weekly claim,** have your Social Security number, PIN, and job contacts ready. If you choose not to file over the Internet, you must file your weekly claim telephonically using the VRS. The VRS number is **1(800) 897-5630**. If calling from the Richmond area, please call **775-8380**. The questions you will be asked and the available responses are listed below:

To hear instructions in English, press 1.

To hear instructions in Spanish, press 2.

To reach **Claim and Benefits**, press 1.

To file your weekly claim for benefits, press 2.

Enter your Social Security number  
Enter your 6-digit PIN.

You will be asked to provide the following information for the week for which you are claiming benefits. If you are advised by the VRS that you do not have an “open week”, call the nearest VEC field office to report the problem.

Were you able and available to work during the week? Press 1 if yes. Press 9 if no.

Were you actively seeking work as directed by the Commission during the week? Press 1 if yes. Press 9 if no.



Enter your Social Security number.  
Enter your 6-digit PIN.

**For details about an appeal to which you are a party,** after reaching **Claim and Benefits**, press 3.

Enter your Social Security number.  
Enter the Appeal Docket Number (found on your Notice of Appeal).

**To locate the VEC office in your area,** after reaching **Claim and Benefits**, press 4.

Enter your 5-digit zip code.

**For general information on unemployment insurance claims,** after reaching **Claim and Benefits**, press 5.